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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,006	03/16/2004	Yoh Masuyama	250448US2	1585

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EXAMINER	
GAMI, TEJAL	

ART UNIT	PAPER NUMBER
2121	

NOTIFICATION DATE	DELIVERY MODE
10/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/801,006	MASUYAMA ET AL.	
	Examiner	Art Unit	
	TEJAL J. GAMI	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to a REQUEST FOR CONTINUED EXAMINATION entered August 25, 2008 for the patent application 10/801006.

Status of Claims

2. Claims 1-18 were rejected in the last Office Action dated March 24, 2008. As a response to the March 24, 2008 office action, Applicant has Amended claims 1 and 18.

Claims 1-18 are now presented for examination in this office action.

Information Disclosure Statement

3. The information disclosure statement filed 07/29/2004 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; **(4) a column that provides a blank space next to each document to be considered, for the examiner's initials**; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been

placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogura et al. (U.S. Publication Number: 2002/0010854).

As to independent claim 1, Ogura discloses an image forming apparatus (e.g., image forming device 1 through 5) including hardware resources comprising a least a plotter (e.g., plotter 306) configured to form an image and software configured to control the hardware resources to form an image (e.g., image-forming-device management system) (see Paragraph [0383] and [0395]), the image forming apparatus comprising:

a display unit (e.g., display device) (see Paragraph [0018]);

a display information controlling unit configured to control information displayed on said display unit (e.g. operation display unit) (see Paragraph [0095]);

an interface unit (e.g., image-forming-device interface) configured to provide a physical connection with an external apparatus on which an application is implemented (e.g., manages communication) (see Paragraph [0036] and [0089]);

a control unit (e.g., network control unit NCU 402) configured to control said interface unit (e.g., image-forming-device interface) and provide a logical connection with the external apparatus (e.g., data communication device 7) (see Paragraph [0036] and [0089]); and

a relay unit configured to relay between the application and the software, said relaying unit notifying said display information controlling unit of a display that is to be presented on said display unit to indicate ongoing initialization of the application at the external apparatus until the application becomes operational when said control unit provides the logical connection with the external apparatus (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]).

As to independent claim 18, Ogura discloses a method of allowing an external application to be operated through an image forming apparatus (e.g., image forming device 1 through 5) having a display unit and hardware resources comprising at least a plotter (e.g., plotter 306) configured to form an image and software configured to control the hardware resources to form an image (e.g., image-forming-device management system) (see Paragraph [0383] and [0395]), the external application being implemented in an external apparatus connectable to the image forming apparatus (e.g., transmits image data for facsimile communication to an external facsimile device) (see Paragraph [0411] and [0417]), said method comprising:

connecting the external apparatus to the image forming apparatus (e.g., transmits image data for facsimile communication to an external facsimile device) (see Paragraph [0411] and [0417]);

preparing a display that indicates ongoing initialization of the application at the external apparatus until the application becomes operational (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]); and

presenting the display on the display unit until the application becomes operational in response to an attempt by a user to use the application (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]).

As to dependent claim 2, Ogura teaches the image forming apparatus as claimed in claim 1, wherein said display information controlling unit makes said display unit present said display in response to an attempt by a user to use the application (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]).

As to dependent claim 3, Ogura teaches the image forming apparatus as claimed in claim 1, wherein said control unit notifies said relay unit that no communication is possible, in response to a physical or logical disconnection occurring with respect to the external apparatus (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]).

As to dependent claim 4, Ogura teaches the image forming apparatus as claimed in claim 1, further comprising a starting unit configured to start said relay unit (e.g., initializing) (see Paragraph [0241]).

As to dependent claim 5, Ogura teaches the image forming apparatus as claimed in claim 4, wherein said starting unit starts said relay unit after the external apparatus is physically connected (e.g., initializing) (see Paragraph [0241]).

As to dependent claim 6, Ogura teaches the image forming apparatus as claimed in claim 4, wherein said starting unit utilizes said control unit to check whether the external apparatus is physically connected (e.g., initializing) (see Paragraph [0241]).

As to dependent claim 7, Ogura teaches the image forming apparatus as claimed in claim 1, further comprising a registering unit configured to register the application, such registration making the application operable through said image forming apparatus (e.g., transmission-time setting register) (see Paragraph [0160]).

As to dependent claim 8, Ogura teaches the image forming apparatus as claimed in claim 7, wherein said registering unit unregisters the application in response to a request from said relay unit (e.g., transmission-time setting register) (see Paragraph [0160]).

As to dependent claim 9, Ogura teaches the image forming apparatus as claimed in claim 8, wherein said relay unit requests said registering unit to unregister the application, such request being made in response to a notice from said control unit indicating that no communication is possible (e.g., transmission-time setting register) (see Paragraph [0160]).

As to dependent claim 10, Ogura teaches the image forming apparatus as claimed in claim 8, wherein, when said registering unit unregisters the application, said display information controlling unit switches the information displayed on said display unit to other information if the information displayed on said display unit is associated with the application (e.g., decides whether the RAM stores data related to the image-forming device) (see Paragraph [0159]).

As to dependent claim 11, Ogura teaches the image forming apparatus as claimed in claim 10, wherein said other information is associated with the software (e.g., control program) (see Paragraph [0014]).

As to dependent claim 12, Ogura teaches the image forming apparatus as claimed in claim 9, wherein said registering unit is configured to register the application again if the external apparatus is reconnected after the application is unregistered (e.g., transmission-time setting register) (see Paragraph [0160]).

As to dependent claim 13, Ogura teaches the image forming apparatus as claimed in claim 4, further comprising a program unregistering unit which unregisters said relay unit by releasing a memory area in which a program of said relay unit is laid out (e.g., decides whether the RAM stores data related to the image-forming device) (see Paragraph [0159]).

As to dependent claim 14, Ogura teaches the image forming apparatus as claimed in claim 13, wherein said relay unit, responding to a notice from said control unit indicating that no communication is possible, notifies said starting unit that the application is unregistered, and requests said program unregistering unit to unregister

the application (e.g., decides whether the RAM stores data related to the image-forming device) (see Paragraph [0159]).

As to dependent claim 15, Ogura teaches the image forming apparatus as claimed in claim 14, wherein said relay unit is restarted by said starting unit if the external apparatus is connected after said relay unit is unregistered (e.g., transmission-time setting register) (see Paragraph [0160]).

As to dependent claim 16, Ogura teaches the image forming apparatus as claimed in claim 3, wherein said relay unit, responding to a notice from said control unit indicating that no communication is possible during execution of the application, notifies said display information controlling unit of a display that is to be presented on said display unit to indicate error occurrence (e.g., initializing signal indicating a condition in which the image-forming device is unable to receive data) (see Paragraph [0241]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura et al. (U.S. Publication Number: 2002/0010854) as applied to claim 3 above, and further in view of Kobata et al. (U.S. Patent Number: 7,051,003).

As to dependent claim 17, Ogura teaches the image forming apparatus (e.g., image-forming-device) (see Ogura: Abstract) as claimed in claim 3, but does not mention email. Kobata teaches further comprising an email sending unit (e.g., notification 62) (see Kobata: Col. 5, Lines 54-67), wherein said relay unit (e.g., sending system 14) (see Kobata: Col. 5, Lines 54-67), responding to a notice from said control unit indicating that no communication is possible during execution of the application (e.g., on-line availability) (see Kobata: Col. 5, Lines 54-67), instructs said email sending unit to send email indicative of error occurrence to a predetermined mail address (e.g., assured of the on-line availability) (see Kobata: Col. 5, Lines 54-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized email as taught by Kobata to the image forming apparatus of Ogura because an e-mail message can serve as notification (see Kobata: Col. 5, Lines 56-60).

Response to Arguments

8. Applicant's arguments filed August 25, 2008 are moot in light of new grounds of rejections.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
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/TJG/